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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,842	05/10/2006	Kenji Shimohata	290891US2PCT	3720
22850	7590	04/13/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHAN, KAWING	
			ART UNIT	PAPER NUMBER
			2837	
			NOTIFICATION DATE	DELIVERY MODE
			04/13/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/578,842	<b>Applicant(s)</b> SHIMOHATA ET AL.	
	<b>Examiner</b> Kawing Chan	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/28/06 and 05/16/08</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statements (IDS) submitted on 07/28/06 and 05/16/08 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by examiner.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: a discharge switch (with reference sign 71) recited in claim 4 and on page 21 embodiment 3 line 3 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because some of the elements disclose in embodiment 3 are inconsistent with Figure 12. For example, "the second relay coil" recited in the last line of page 23 of the specification and "the second contact portion" recited in lines 2-3 of page 24 of the specification. Applicant is suggested to revise the whole specification carefully.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Re claim 4, "a discharge switch including a power failure phase contact portion which is disconnected when an electric power supply is cut" is recited. However, according to page 22 lines 9-13 of the specification, the "power failure phase contact portion" is disconnected while current is flowing through the relay coil and is connected while current is stopped to flow through the relay coil. Therefore, claim 4 fails to particularly point out and distinctly claim the invention.

For examination purpose, the "power failure phase contact portion" will be treated as if it is connected when power supply is cut.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Cervenec et al. (US 3,830,344).

In Re claims 1 and 3, Cervenec discloses a brake actuator (Figure 2) having an electromagnetic coil (82) electrically connected to a charge portion (81) through a discharge switch (ABR 1, ABR 2), comprising: when electric power supplied to an operation portion (ABR) for operating the discharge switch is cut, causing a discharge from the discharge portion (81) to the electromagnetic coil (82) by operating the discharge switch (ABR 1, ABR 2) to drive the actuator (Col 6 to Col 7 line 15).

In Re claim 4, Cervenec discloses an actuator driving circuit (Figure 2) for discharging an electric power accumulated in a charge portion (81) to an electromagnetic coil (82) in order to drive an actuator (Figure 2) having the electromagnetic coil (82), comprising: a discharge switch including a power failure phase contact portion (ABR 2) which is connected when an electric power supply is cut (Col 6 line 64 to Col 7 line 15), Wherein an electric power accumulated in the charge

Art Unit: 2837

portion (81) is discharged to the electromagnetic coil (82) by operating the power failure contact portion (ABR 2) to drive the actuator.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cervenec et al. (US 3,830,344) in view of Ringel et al (US 6,039,151).

In Re claims 2 and 7, Cervenec has been discussed above, but it fails to disclose the operation portion is maintained to have a supply of an electric power by using a backup power source.

However, Ringel discloses a brake controller circuit for controlling the actuation of a brake device of an elevator (Figures 3 and 4), wherein during a power failure phase, the operation portion (27) is maintained to have a supply of an electric power by using a backup power source (Col 2 line 50 to Col 3 line 57).

Thus, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have modified the teachings of Cervenec with the teachings of Ringel, since it is known in the art to utilize backup power supply to maintain the operation of an elevator brake so as to be able to improve the reliability of the braking system of the elevator.

***Allowable Subject Matter***

10. Claims 5 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McIntosh, Sturges, Jaminet et al., Holland, Wang and Banno et al. are further cited to show related teachings in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kawing Chan whose telephone number is (571)270-3909. The examiner can normally be reached on Mon-Fri 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on 571-272-2227. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2837

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BENTSU RO/  
Primary Examiner, Art Unit 2837

Kawing Chan  
Examiner  
Art Unit 2837